

**RESOLUTION NO. 08-11-11-2b**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR FIRE BARRIERS TO PROTECT THE TRANSFORMERS AT POST OAK SUBSTATION AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, the City of College Station, Texas, solicited bids for the construction of two refractory based fire barriers at the CSU Post Oak substation; and

**WHEREAS**, the selection of Marek Brothers Construction is being recommended as the lowest responsible bidder for the construction of two refractory based fire barriers at the CSU Post Oak substation; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:**

**PART 1:** That the City Council hereby finds that Marek Brothers Construction is the lowest responsible bidder.


**PART 2:** That the City Council hereby approves the contract with Marek Brothers Construction for \$181,900.00 for the labor, materials and equipment required for the installation of the Post Oak substation Fire Barrier Project.

**PART 3:** That the funding for this Contract shall be as budgeted from the College Station Utilities Capital Improvement Fund, Electric Department, in the amount of \$181,900.00.

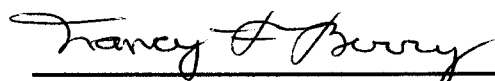
**PART 4:** That this resolution shall take effect immediately from and after its passage.

**ADOPTED** this 11th day of August, 2011.

**ATTEST:**

  
\_\_\_\_\_  
City Secretary

**APPROVED:**

  
\_\_\_\_\_  
Mayor

**APPROVED:**

  
\_\_\_\_\_  
City Attorney

RESOLUTION NO. 08-11-11-2c

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE SEMI-ANNUAL BLANKET TYPE D HOT MIX INSTALLED CONCRETE PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

**WHEREAS**, the City of College Station, Texas, solicited bids for the construction phase of the Semi-Annual Blanket Type D Hot Mix Installed Concrete Project; and


**WHEREAS**, the selection of Knife River is being recommended as the lowest responsible bidder for the construction services related to the installation of Type D Hot Mix Concrete; now, therefore,

**BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:**

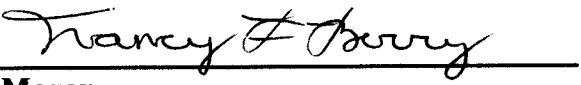
- PART 1:** That the City Council hereby finds that Knife River is the lowest responsible bidder.
- PART 2:** That the City Council hereby approves the contract with Knife River for \$408,000.00 for the labor, materials and equipment required for the improvements related the Semi-Annual Blanket Type D Hot Mix Installed Concrete Project.
- PART 3:** That the funding for this Contract shall be as budgeted from the General Fund, Street Maintenance Division, in the amount of \$408,000.00.
- PART 4:** That the City Council hereby authorizes the City Manager to execute this Contract.
- PART 5:** That this resolution shall take effect immediately from and after its passage.

**ADOPTED** this 11th day of August, 2011.

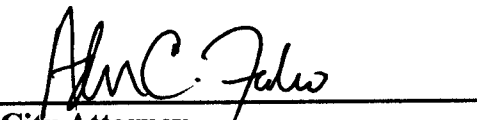
**ATTEST:**

  
City Secretary

**APPROVED:**

  
Mayor

**APPROVED:**

  
City Attorney

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT AND AUTHORIZING THE EXPENDITURE OF FUNDS FOR THE CARTER CREEK WASTEWATER TREATMENT PLANT LABORATORY AND SCADA BUILDING.**

WHEREAS, the City of College Station, Texas, solicited bids for the construction of the Carter Creek Wastewater Treatment Plant Laboratory and SCADA Building Project; and

WHEREAS, the selection of G.W. Williams, Inc. is being recommended as the lowest responsible bidder; now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby finds that G.W. Williams, Inc. is the lowest responsible bidder

PART 2: That the City Council hereby approves the contract with G.W. Williams, Inc. for an amount not to exceed \$1,066,051.13 for the labor, materials and equipment required for the improvements related to the Carter Creek Wastewater Treatment Plant Laboratory and SCADA Building Project.

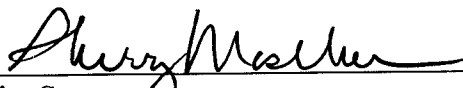
PART 3: That the funding for this Contract shall be as budgeted from the Wastewater Capital Improvement Projects Fund in the amount of \$975,699.33 and the Water Capital Improvement Projects Fund in the amount of \$90,351.80.

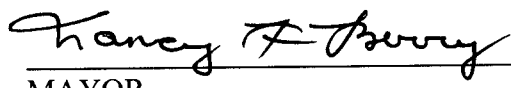
PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 11th day of August, A.D. 2011.

ATTEST:

APPROVED:

  
\_\_\_\_\_  
City Secretary

  
\_\_\_\_\_  
MAYOR

APPROVED:

  
\_\_\_\_\_  
City Attorney

RESOLUTION NO. 08-11-11-2e

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS, APPROVING A CONSTRUCTION CONTRACT FOR THE CHIMNEY HILL ASBESTOS ABATEMENT AND DEBRIS REMOVAL PROJECT AND AUTHORIZING THE EXPENDITURE OF FUNDS.**

WHEREAS, the City of College Station, Texas, solicited bids for the construction phase of the Chimney Hill Asbestos Abatement and Debris Removal Project; and

WHEREAS, the selection of Mustang Remediation, LLC is being recommended as the lowest responsible bidder for the construction services related to asbestos abatement and debris removal now, therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS:

PART 1: That the City Council hereby finds that Mustang Remediation, LLC is the lowest responsible bidder.

PART 2: That the City Council hereby approves the contract with Mustang Remediation, LLC for \$49,961.00 for the labor, materials and equipment required for the improvements related the Chimney Hill Asbestos Abatement and Debris Removal Project.

PART 3: That the funding for this contract shall be as budgeted from the Chimney Hill Fund, Facilities Maintenance Division, in the amount of \$49,961.00.

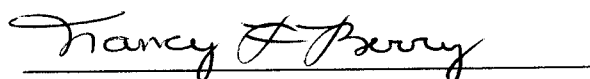
PART 4: That this resolution shall take effect immediately from and after its passage.

ADOPTED this 11th day of August, A.D. 2011.

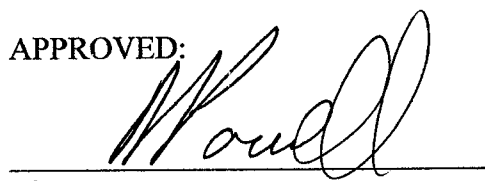
ATTEST:

  
City Secretary

APPROVED:

  
MAYOR

APPROVED:

  
City Attorney

RESOLUTION NO. 08-11-11-2f

RESOLUTION APPROVING NOTICE OF SALE AND BIDDING INSTRUCTIONS, PRELIMINARY OFFICIAL STATEMENT, AND RELATED MATERIALS FOR THE SALE OF "CITY OF COLLEGE STATION, TEXAS GENERAL OBLIGATION IMPROVEMENT BONDS, SERIES 2011" AND "CITY OF COLLEGE STATION, TEXAS CERTIFICATES OF OBLIGATION, SERIES 2011", INCLUDING SELECTION OF A DATE FOR OPENING BIDS

WHEREAS, the City Council (the "Council") of the City of College Station, Texas (the "City") has determined that it is in the best interest of the City to issue its General Obligation Improvement Bonds, Series 2011 in the principal amount of \$1,960,000, and its Certificates of Obligation, Series 2011 in the principal amount of \$7,935,000 (collectively, the "Obligations") for purposes described in the documents described below;

WHEREAS, the City's Chief Financial Officer, the City's Financial Advisor, and the City's Bond Counsel are prepared to distribute necessary documents for such sale on a competitive bid basis;

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF COLLEGE STATION, TEXAS THAT:

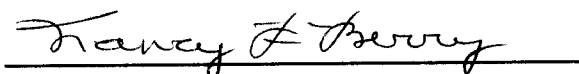
1. The Official Notice of Sale and Bidding Instructions, including the Official Bid Forms, and the Preliminary Official Statement for each series of Obligations, substantially in the forms attached hereto as Exhibit A and Exhibit B, respectively, are hereby approved, and the Chief Financial Officer of the City and the City's Financial Advisor are authorized to distribute such documents among entities which would be interested in bidding on the Obligations and other interested persons.

2. The Chief Financial Officer of the City and the City's Financial Advisor are authorized to apply to rating agencies for ratings on the Obligations and to bond insurance companies for possible insurance of the payment of the Obligations and to make presentations to them and provide to such entities the information reasonably requested by them.

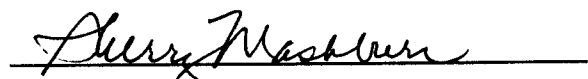
3. The Council hereby deems the Preliminary Official Statement to be final in compliance with Rule 15c2-12 of the United States Securities and Exchange Commission.

4. The Council hereby authorizes its advisors, the Chief Financial Officer of the City, and its members to do all things necessary to sell the Obligations on August 25, 2011.

PASSED AND APPROVED THIS 11TH DAY OF AUGUST, 2011.



Nancy Berry, Mayor



Sherry Mashburn, City Secretary

(CITY SEAL)

APPROVED:

A handwritten signature in black ink, appearing to read "Robert A. Steyer", is written over a horizontal line.

McCall, Parkhurst & Horton L.L.P., Bond Counsel

\* \* \*

**EXHIBIT A**

**OFFICIAL NOTICES OF SALE**

**EXHIBIT B**

**PRELIMINARY OFFICIAL STATEMENT**



MINUTES OF THE CITY COUNCIL WORKSHOP  
CITY OF COLLEGE STATION  
AUGUST 11, 2011

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry, Mayor

**Council:**

Blanche Brick  
Karl Mooney  
Katy-Marie Lyles  
Julie Schultz  
Dave Ruesink

**City Staff:**

David Neeley, City Manager  
Kathy Merrill, Assistant City Manager  
Frank Simpson, Assistant City Manager  
Carla Robinson, City Attorney  
Tanya McNutt, Deputy City Secretary  
Shelley Major, Records Management Coordinator

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Workshop of the College Station City Council was called to order by Mayor Nancy Berry at 3:01 p.m. on Thursday, August 11, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

**1. Presentations and Recognitions of the:**

**• Silver LEED award and staff recognition**

Pete Caler, Assistant Director of Public Works and Staff received this award.

**• Reliable Public Power Provider**

College Station Utilities received this National Recognition.

**2. Presentation, possible action, and discussion on items listed on the consent agenda.**

No items were pulled from the Consent Agenda.

**3. Presentation, possible action, and discussion regarding a review of the 2011 Legislative Session by Jennifer Shelley Rodriguez.**

Jennifer Shelley Rodriguez, with The Law Office of Dan Shelley, gave an overview of state budget cuts, redistricting and an overall update on the 2011 Legislative Session and Special Session. She highlighted the dates for filing deadlines, and the election schedules from handouts given to council members. Ms. Rodriguez highlighted the review of inquiries made by council members. She updated Council Members on bills such as: the driving while texting ban, annexation, water/waste water issues and groundwater rights, concealed handguns on campus, sales tax exemption on text books, and elections (Senate Bill 100).

Council Member Lyles inquired whether the state was leaning more now towards November elections.

Council Member Brick inquired about redistricting, and when it would be official. Ms. Rodriguez concluded that at this time the dates are unknown, several lawsuits have been filed in regards to redistricting and she will get an update on the progress.

Council Member Lyles also inquired on the bill banning texting while driving and whether will this be something that comes up again during the next session. Ms. Rodriguez confirmed that it will be seen again during the next session

Council Member Ruesink inquired about the outcome of the ban on K2, noting that both College Station and Bryan have ordinances banning the product.

**4. Presentation, possible action, and discussion on the FY 2011-2012 Proposed Budget.**

David Neeley, City Manager, made opening remarks. The Proposed Budget includes all city funds, and represents all critical needs and priorities set forth by city departments, comprehensive plans, and identified needs of the city. This presentation is not intended to go into great detail on budget, but in the coming weeks, the budget will be explained in depth. Mr. Neeley gave special thanks to Carol Thompson and the budget staff for their tireless work and long hours. The process started months ago, culminating in its presentation. Specific instructions were given to depts. to be more cost effective, adjusting for reductions and reflecting the economic climate. Mr. Neeley asked departments to reevaluate services and efficiency in preparation for creating this budget. The budget is discussed in detail in the Proposed Budget Document, presented this evening. The Organization's job is to continuously improve the way the city does business and that includes looking at how we provide our services.

Mr. Kersten provided an overview of the proposed budget. He believes the budget will position the city for the planning of the future and betterment of College Station. The Budget Public Hearing is tentatively scheduled for September 8<sup>th</sup>, with the Budget Adoption tentatively scheduled for September 22nd.

**5. Presentation, possible action, and discussion regarding a change order to the construction contract with Elliot Construction (Contract # 11-003) in the amount of \$369,796.00 for the Southwood 5-7 Utility Rehabilitation Project.**

Chuck Gilman, Public Works, detailed the change order, which includes roadway repairs to all streets in the project area, instead of just repairs to streets affected by the rehabilitation in the Leona Street area. He stated that the difference in longevity between original seal coat on streets, and repaving is five years for seal coat, and seven to nine for repaving. Mr. Gilman stated that although it will be an impact on Water/Wastewater budget, it will not affect it negatively.

Mr. Kersten added that money was set aside for contingency funds and covered the discrepancy noted in the change order.

**6. Presentation, possible action, and discussion regarding Carters and Burton Creek Total Maximum Daily Load (TMDL) and Implementation Plan (I-Plan) for Bacteria.**

Allan Gibbs, city engineer, presented this plan pursuant with the clean water act regulations and EPA regulations. Mr. Coleman followed up that this plan has no impact to future reclaimed water system plan.

**7. Council Calendar**

- **August 15 Update on CVB Tourism Consulting Report/Meeting at 9:30 a.m.**
- **August 15 IGC Meeting at BVCOG, 12:00 p.m.**
- **August 15-18 Budget Workshop Meetings in Council Chambers at 3:00 p.m.**
- **August 18 Planning & Zoning Commission Meeting in Council Chambers at 6:00 p.m.**
- **August 25 City Council Budget/Workshop/Regular Meeting at 3:00 p.m. & 7:00 p.m.**

The Budget workshops have been moved to the Carter Creek Waste Water Treatment Plant.

**8. Presentation, possible action, and discussion on future agenda items: a Council Member may inquire about a subject for which notice has not been given. A statement of specific factual information or the recitation of existing policy may be given. Any deliberation shall be limited to a proposal to place the subject on an agenda for a subsequent meeting.**

There were no future agenda items.

**9. Discussion, review and possible action regarding the following meetings: Animal Shelter Board, Arts Council of the Brazos Valley, Audit Committee, Bicycle, Pedestrian, and Greenways Advisory Board, Brazos County Health Dept., Brazos Valley Council of Governments, Brazos Valley Wide Area Communications Task Force, BVSWMA, BVWACS, Cemetery Committee, Code Review Committee, Design Review Board, Historic Preservation Committee, Interfaith Dialogue Association, Intergovernmental Committee, Joint Relief Funding Review Committee, Landmark Commission, Library Board, Mayor's Council on Physical Fitness, Mayor's Development Forum, Metropolitan Planning**

**Organization, National League of Cities, Outside Agency Funding Review, Parks and Recreation Board, Planning and Zoning Commission, Research Valley Partnership, Regional Transportation Committee for Council of Governments, Signature Event Task Force, Sister City Association, TAMU Student Senate, Texas Municipal League, Transportation Committee, Wolf Pen Creek Oversight Committee, Zoning Board of Adjustments.**

Mayor Berry updated council on the BVCOG presentation from Bryan District Engineers for TxDot in regards to Proposition 12 funding. She also gave an update on the MPO meeting from last Wednesday, where the project for bridge improvements at Rockprairie Road was approved for funding in 2013. The City of College Station will receive 4.6 million for this project, which is still in design process. Mr. Neeley clarified that the original concept was for a teardown and replacement and now the project will widen the existing bridge, add turn lanes and pedestrian crossings.

Council Members Schultz, Brick and Mooney attended the Texas Municipal League's Orientation for Newly elected officials.

**10. Executive Session**

In accordance with the Texas Government Code §551.071-Consultation with Attorney, and §551.074-Personnel, the College Station City Council convened into Executive Session at 5:09 p.m. on Thursday, August 11, 2011 in order to continue discussing matters pertaining to:

A. Consultation with Attorney to seek advice regarding pending or contemplated litigation; to wit:

- City of Bryan's application with TCEQ for water & sewer permits in Westside/Highway 60 area, near Brushy Water Supply Corporation to decertify City of College Station and certify City of Bryan
- Clancey v. College Station, Glenn Brown and Kathy Merrill, Civil Action No. 09-CV-01480
- Rachel Rahn v. Alma Martinez, The Arkitex Studio, Inc. et al, cause No. 09-000656-CV361
- Chavers et al v. Tyrone Morrow et al, No. 10-20792; Chavers v. Randall Hall et al, Case No. 10 CV-3922
- College Station v. Star Insurance Co., Civil Action No. 4:11-CV-02023
- Ongoing criminal investigation of municipal court missing funds

B. Consultation with Attorney to seek legal advice; to wit:

- Legal issues regarding possible revenue sharing and legislation in bio-corridor
- Legal issues related to compliance of municipal court missing funds

C. Deliberation Regarding Personnel; to wit:

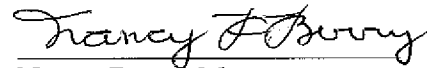
- Planning and Zoning Commission
- Zoning Board of Adjustments
- Parks and Recreation Board

The Executive Session adjourned at 6:53 p.m. on Thursday, August 11, 2011.

No action was required from Executive Session.

**8. Adjournment**

**MOTION:** There being no further business, Mayor Berry adjourned the workshop of the College Station City Council at 6:53 p.m. on Thursday, August 11, 2011.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Maskburn, City Secretary

MINUTES OF THE REGULAR CITY COUNCIL MEETING  
CITY OF COLLEGE STATION  
AUGUST 11, 2011

STATE OF TEXAS           §  
                                     §  
COUNTY OF BRAZOS       §

**Present:**

Nancy Berry

**Council:**

Blanche Brick  
Jess Fields  
Karl Mooney  
Katy-Marie Lyles  
Julie Schultz  
Dave Ruesink

**City Staff:**

David Neely, City Manager  
Kathy Merrill, Assistant City Manager  
Frank Simpson, Assistant City Manager  
Carla Robinson, City Attorney  
Sherry Mashburn, City Secretary  
Tanya McNutt, Deputy City Secretary

**Call to Order and Announce a Quorum is Present**

With a quorum present, the Regular Meeting of the College Station City Council was called to order by Mayor Nancy Berry at 7:06 p.m. on Thursday, August 11, 2011 in the Council Chambers of the City of College Station City Hall, 1101 Texas Avenue, College Station, Texas 77842.

**1. Pledge of Allegiance, Invocation, consider absence request.**

- The Police Department Outstanding Service Award was presented to Officers Kevin Yargo and Steven Taylor by Mayor Berry
- Captain Greg Rogers and members of the department recognized Fire Chief R. B. Alley for his dedication to the department and the profession. Fire Chiefs Association representatives presented Chief Alley with a commendation for his leadership and commitment to educate the next generation.

## Citizen Comments

There were no citizen comments.

## CONSENT AGENDA

2a. Presentation, possible action, and discussion of minutes for July 25, 2011 Workshop and Regular Council Meeting.

2b. Presentation, possible action, and discussion regarding Resolution 08-11-11-2b, approving a construction contract with Marek Brothers Construction for fire barriers to protect the transformers at Post Oak Substation and authorizing the expenditure of funds, in an amount not to exceed \$181,900.

2c. Presentation, possible action, and discussion regarding Resolution 08-11-11-2c, approving a construction contract with Knife River for the Semi-Annual Blanket Type D Hot Mix Installed Concrete Project and authorizing the expenditure of funds, in a amount not to exceed \$408,000.

2d. Presentation, possible action, and discussion regarding Resolution 08-11-11-2d, approving a construction contract with G.W. Williams, Inc. and authorizing the expenditure of funds, in an amount not to exceed \$1,066,051.13, for the Carter Creek Wastewater Treatment Plant Laboratory and SCADA Building; and consider approval of transfers in the amount of \$20,077 from the Water Capital Improvement Projects Fund contingency and \$101,913 from the Wastewater Capital Improvements Projects Fund contingency.

2e. Presentation, possible action, and discussion regarding approval of Resolution 08-11-11-2e, for asbestos abatement and debris removal from unoccupied areas in the Chimney Hill Retail Plaza in the amount of \$49,961.00.

2f. Presentation, possible action, and discussion regarding Resolution 08-11-11-2f, approving Notice of Sale and Bidding Instructions Preliminary Official Statement, and related materials for the sale of "City of College Station, Texas General Obligation Improvement Bonds, Series 2011" and "City of College Station, Texas Certificates of Obligation, Series 2011", including selection of a date for opening bids.

2g. Presentation, possible action, and discussion regarding an Interlocal Agreement with the Bryan-College Station Metropolitan Planning Organization (MPO) for the funding of the BCS Mobility Initiative for fiscal year 2011.

2h. Presentation, possible action, and discussion regarding the approval of equipment purchases to upgrade the current Survalent SCADA system from Survalent Technology in the amount of \$77,660.00 and a Services Contract in the amount of \$14,500.00 for final testing for a total cost of \$92,660.00.

2i. Presentation, possible action, and discussion regarding the approval of the purchase of Barracuda network firewall equipment from MicroAge College Station through the Texas A&M Master Agreement in the amount of \$104,118.46.

2j. Presentation, possible action, and discussion regarding a deductive change order to the construction contract (Contract No.10-050) with Brazos Valley Services for a credit to the City in the amount of \$34,950.00 for the Nantucket Gravity Sewer Line project.

2k. Presentation, possible action, and discussion regarding a change order to the construction contract with Elliot Construction (Contract # 11-003) in the amount of \$369,796.00 for the Southwood 5-7 Utility Rehabilitation Project.

2l. Presentation, possible action and discussion on calling a public hearing on the City of College Station 2011-2012 Proposed Budget for Thursday September 8, 2011.

2m. Presentation, possible action, and discussion regarding ratification of Change Order #1, in the amount of \$11,310 to Contract 11-019 with HDR Engineering, Inc. related to completed impact fee analyses.

2n. Presentation, possible action, and discussion regarding ratification of Change Order #4, for \$19,873 to Contract 09-306 with HDR Engineering, Inc., and approval of a contingency transfer from the Wastewater Operating Fund in the amount of \$19,873.

2o. Presentation, possible action, and discussion to approve an agreement for the City to sell reclaimed water to the Pebble Creek Country Club.

2p. Presentation, possible action, and discussion regarding approval of the purchase of four (4) 2500 kVA distribution padmount transformers from WESCO in the amount of \$147,657.00 and two (2) 1500 kVA distribution padmount transformers from Texas Electric Coop in the amount of \$39,750.00, for a combined total of \$187,406.00, for Scott & White Hospital & Dowling Road Pump Station.

2q. Presentation, possible action, and discussion regarding approval of the purchase of Automatic Transfer Switch from Techline Inc. in the amount of \$105,085.00.

Item 2g was pulled from the Consent Agenda.

**MOTION:** Upon a motion made by Councilmember Fields and a second by Councilmember Mooney, the City Council voted seven (7) for and none (0) opposed, to approve the Consent Agenda, less item 2g. The motion carried unanimously.

**(2g)MOTION:** Upon a motion made by Councilmember Fields and a second by Councilmember Lyles, the City Council voted seven (7) for and none (0) opposed, to adopt an Interlocal Agreement with the Bryan-College Station Metropolitan Planning Organization (MPO) for the funding of the BCS Mobility Initiative for fiscal year 2011. The motion carried unanimously.



## **REGULAR AGENDA**

### **1. Presentation, possible action, and discussion regarding appointments to the following Boards and Commissions:**

- **B/CS Library Committee**
- **Bicycle, Pedestrian & Greenways Advisory Board**
- **Cemetery Committee**
- **Construction Board of Adjustments**
- **Design Review Board**
- **Historic Preservation Committee**
- **Joint Relief Funding Review Committee**
- **Landmark Commission**
- **Lick Creek Park Nature Center Advisory Committee**
- **Parks & Recreation Board**
- **Planning & Zoning Commission**
- **Sunset Advisory Commission**
- **Zoning Board of Adjustments**

**MOTION:** Upon a motion made by Councilmember Lyles and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to appoint Mike Ashfield, James Benham, Jerome Rektorik, and Jim Ross, to the Planning and Zoning Commission, and naming Mike Ashfield as chair. The motion carried unanimously.

**MOTION:** Upon a motion made by Mayor Berry and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to appoint Ida Bellows, Jon Denton, Sherry Ellison, Billy Hart, Fred Medina, and Mike Reynolds to the Parks and Recreation Board, and naming Jon Denton as chair. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Fields and a second by Councilmember Schultz, the City Council voted seven (7) for and none (0) opposed, to appoint Dick Birdwell and Marsha Sanford to the Zoning Board of Adjustments. The motion carried unanimously.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Fields, the City Council voted seven (7) for and none (0) opposed, to appoint citizens to the committees listed below. The motion carried unanimously.

- **B/CS Library Committee:** Felicia Glover; Larry Ringer
- **Bicycle, Pedestrian & Greenways Advisory Board:** James Batenhorst (E); Sherry Ellison (C); Marcy Halterman-Cox (B); Greg Stiles (A) (Councilmember Brick is the chair)
- **Cemetery Committee:** Sarah Adams; Ann Hays (Council directed staff to continue to hold vacancies open for applicants)
- **Construction Board of Adjustments:** Mike Lane; Charles Thomas; Marc Chaloupka (alternate); Glenn Thomas (alternate)
- **Design Review Board:** Lindsey Bertrand; Susan McGrail (alternate); Marsha Sanford (alternate)

- Historic Preservation Committee: Jerry Cooper; Linda Harvell; Ann Hays; M.D. Marshall; Frances Williams
- Joint Relief Funding Review Committee: J. Kevin Bryne
- Landmark Commission: Jason Loyd (A); M.D. Marshall (D)
- Lick Creek Park Nature Center Advisory Committee: Robert Bruce (F); Becky Burghardt (D); Jan Fechhelm (D); Ronald Kaiser (F); Mike Manson (F); Susan Scott (E); Scott Shafer (E)
- Sunset Advisory Commission: Dick Birdwell; Robert Bruce; Ryan Campbell; Gary Erwin; Meribeth Kahlich; M.D. Marshall; with Dick Birdwell named chair

**2. Public Hearing, presentation, possible action, and discussion on Ordinance 2011-3360, amending Charter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries affecting certain properties; to wit: 7.364 acres located at 2862 North Graham Road, and more generally located west of the intersection of Old Wellborn Road and North Graham Road, from A-O Agricultural Open to PDD Planned Development District.**

At approximately 8:32 p.m., Mayor Berry opened the Public Hearing.

There being no comments, the Public Hearing was closed at 8:33 p.m.

**MOTION:** Upon a motion made by Councilmember Mooney and a second by Councilmember Brick, the City Council voted six (6) for and none (0) opposed, with Councilmember Schultz having recused herself, to adopt Ordinance 2011-3360, amending Charter 12, "Unified Development Ordinance," Section 4.2, "Official Zoning Map," of the Code of Ordinances of the City of College Station, Texas, by changing the zoning district boundaries affecting certain properties; to wit: 7.364 acres located at 2862 North Graham Road, and more generally located west of the intersection of Old Wellborn Road and North Graham Road, from A-O Agricultural Open to PDD Planned Development District, with an effective date of September 1, 2011. The motion carried.

**3. Presentation, possible action, and discussion on Ordinance 2011-3361, calling a Special Election for November 8, 2011 for the purpose of amending the City Charter, if necessary.**

Terry Childers, 4400 Bellerive Court, vice chair of Charter Review Commission, the second tenant of the reform movement in early part of 21<sup>st</sup> century is nonpartisanship elections. We have nonpartisan elections; the Council is neither democrat or republican when determining what is best for community. The Legislature thrust upon us in an untimely manner as to when local elections can be held, impacting when terms of council can be set. How long a person can serve and when elections are held should be decided by the citizens of the community. It is important to allow the citizens of the community to determine if they want nonpartisan elections in May or have elections in November, allowing those elections to become partisan. The Commission has been working diligently on the charter and needs to continue that work. This issue is important enough to be the only issue to go before the voters. This is a matter that needs to go to the voters for consideration.

Chuck Ellison, 2902 Camille Drive, reported that the Commission held its first meeting in May and have met twice monthly since then. They have been working to have proposed charter amendments to Council for a charter amendment election in May 2012. They have discussed many issues in their review; then three short weeks ago, Secretary Mashburn presented Senate Bill 100 and the impact of the MOVE act. This has derailed their work. Now they cannot hold a charter amendment election in May 2012; the first opportunity is now November 2012, which is a presidential election. No one on the Commission wanted two year terms in May because of the possibility of a complete turnover. If we want to have this on the November 2011 ballot, the ballot language must be to the County Clerk no later than August 12. As a Commission, they do not want four year terms, but if not that, then citizens would not get the opportunity to vote on May versus November elections. Citizens should have the right to that decision. It is the right of the people to make this decision. He expressed the members' desire to remain on the Commission so that they do not lose the work they have done to date, even if we cannot have a charter amendment election until 2013. The Legislature has not given us much choice. This does not give voters the option to vote on all choices, but this is about elections in May or November. This election gives that opportunity. There are numerous substantive issues, and they don't want those lost in the political chatter of a presidential election. It is not ideal to hold a charter election at the same time as a presidential election.

John Anderson, 200 Fireside Circle, stated this is an issue with which honorable, reasonable people can disagree. As to cost, as citizens and elected officials, we have an obligation to be good stewards of the citizens' money. Multiple elections are costly. Elections in May do not preclude partisanship. Since voter turnout is lower in May, it allows special interest groups to garner their will. It also disenfranchises smaller groups and minorities. Then there is the issue of informed voters. Whether in May or November, a voter has an obligation to become informed prior to voting. We have an obligation to inform citizens before elections occur. Four year terms can be onerous for a lot of people. There is also cost inefficiency – it is less expensive and more efficient to have elections in November.

Susan Laue, 4902 Firestone, said nothing is obvious to the uninformed. A big “ah ha” moment occurred to her when she realized that using this charter amendment at this time is giving up dealing with the charter in a comprehensive fashion in a timely manner. Texas is a Voters Rights Act, Section 5 state. Any change has to be submitted to the Department of Justice to be sure we are not discriminating against a protected class. Off-cycle elections or odd-number elections depress voter turnout, and elections become more exclusive. Many things in this community become very politicized. In this area of law, you are presumed guilty until you can disprove that guilt. She would hate to see us do something that tees us up unless we can prove our off-cycle elections have not been discriminatory.

Parviz, Vessali, 110 Pershing, said he has heard that November elections could be doomed to partisanship. The people that vote in May will also vote in November, and that won't disenfranchise others. He agrees that keeping elections in May empowers small groups to have a say in city government, but in November we would have less of that problem. If a councilmember has to resign it would incur additional cost for equipment. Also, staff time boils down to money. If voters choose four year terms, the next charter amendment election would be

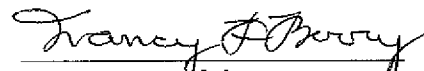
pushed to 2015. He urged the Council to vote on a resolution to move to November, and we could have a charter amendment election in November 2012.

Paul Greer, 9100 Waterford Drive, stated that the issue of costs is a serious consideration, but we should realize that three year terms would have an election every year. Four year terms have an election every other year.

**MOTION:** Upon a motion made by Councilmember Brick and a second by Councilmember Schultz, the City Council voted four (4) for and three (3) opposed, with Mayor Berry, Councilmembers Fields and Ruesink voting against, to adopt Ordinance 2011-3361, ordering a special election to be held on November 8, 2011 for the purpose of amending the City Charter to provide for the regular election of the Mayor and City Council to be held in May of odd-numbered years with the Mayor and City Council serving four (4) year term lengths for no more than eight (8) consecutive years; establishing early voting locations and polling places for this election; and making provisions for conducting the election. The motion carried.

#### **4. Adjournment.**

**MOTION:** Upon a motion made by Mayor Berry and a second by Councilmember Shultz, the City Council voted seven (7) for and none (0) opposed, to adjourn the Regular Meeting of the City Council at 10:04 p.m. on Thursday, August 11, 2011.

  
Nancy Berry, Mayor

ATTEST:

  
Sherry Mashburn, City Secretary